



## **DACA Recipients and the Coronavirus**

In a time of heightened uncertainty amidst the coronavirus pandemic, approximately 650,000 DACA recipients across the country, including approximately 15,000 in Colorado, are facing challenges as they try to renew their DACA before the Supreme Court makes its ruling. Many doctors, nurses, personal care attendants and other health professionals are immigrants, including an estimated 27,000 DACA recipients.<sup>1</sup> They represent an indispensable part of the nation's healthcare workforce, which is especially important during a global health crisis.

**Unemployment Compensation** – Anyone with a valid work authorization or a form of lawful presence, including DACA, is eligible for unemployment compensation, if you are unemployed through no fault of your own, and able, available, and actively seeking new work. You must have valid work authorization during the base period, at the time that they apply for benefits, and throughout the period during which they are receiving benefits.<sup>2</sup> Receipt of unemployment benefits is not considered under the public charge rule.<sup>3</sup> Only programs listed explicitly in the public charge rule are considered, alongside other factors such as age and education. Unemployment Insurance is not considered income maintenance.<sup>4</sup> Expanded unemployment benefits included in the CARES Act are outlined below:

**Supplemental Federal Pandemic Unemployment Compensation.** Through July 31, 2020, the federal government would provide a temporary Federal Pandemic Unemployment Compensation (FPUC) of \$600 a week for any worker eligible for state or federal unemployment compensation (UC) benefits.

**13 Weeks of Emergency Unemployment Compensation Available in All States for Workers who Exhaust Regular Benefits.** All states would be eligible to provide an additional 13 weeks of unemployment benefits to workers who need beyond what is provided for in state and federal law.

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<sup>1</sup><https://www.americanprogress.org/issues/immigration/news/2019/11/08/477039/medical-profession-diversity-problem-ending-daca-make-worse/>

<sup>2</sup> <https://www.nelp.org/publication/immigrant-workers-eligibility-unemployment-insurance/>

<sup>3</sup> <https://www.uscis.gov/news/fact-sheets/public-charge-fact-sheet>

<sup>4</sup> <https://www.mountaindreamers.org/covid-19-resourcesrecursos>

### **Pandemic Unemployment Assistance** Following the Model of the Disaster

Unemployment Assistance program. States would be permitted to expand eligibility to provide unemployment compensation to workers who are not normally eligible for benefits, so long as their unemployment was connected to the COVID-19 pandemic, as determined by the state and the Department of Labor. Expanded eligibility would provide benefits to self-employed individuals, independent contractors, “gig economy” employees, and individuals who were unable to start a new job or contract due to the pandemic. Individuals would apply for these temporary new federal benefits at the state UC office, and states would be fully reimbursed for the cost of benefits and administration.

**Supreme Court Update** - On March 16, 2020, the Supreme Court announced<sup>5</sup> that, in keeping with public health precautions, it will be postponing the oral arguments currently scheduled to a later time. The Court intends to still hold regularly scheduled business and is expanding remote working capabilities. This change in schedule for oral arguments and expansion of remote working capabilities, at least as of now, does not delay the Supreme Court’s issuance of opinions (decisions). Therefore, the Supreme Court’s decision on the pending DACA case may still be released at any time from now until June 2020.

**DACA Renewals** Due to the uncertainty of the SCOTUS decision and its impact on current DACA renewal requests, we encourage DACA recipients to stay informed, consider speaking with an immigration attorney or DOJ-accredited representative, and consider submitting your renewal application very soon, especially if your DACA expires in 2020. If you attend a renewal clinic, urge them to practice the Center for Disease Control’s suggestions for groups of people to be fewer than 10 and with at least six feet of distance between each person. We recommend that if you are attending an in-person clinic, that you take the necessary precautions for your health.

**USCIS Offices** As of March 18, USCIS suspended all routine in-person services until at least May 3, and that it will reuse previously submitted biometrics in order to process valid Form I-765, Application for Employment Authorization, extension requests.<sup>6</sup> When USCIS again resumes normal operations, USCIS will automatically reschedule Application Support Center appointments due to the office closure. According to USCIS, if you do not receive a new appointment notice by mail within 90 days, call 800-375-5283.

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<sup>5</sup> [https://www.supremecourt.gov/publicinfo/press/pressreleases/pr\\_03-16-20](https://www.supremecourt.gov/publicinfo/press/pressreleases/pr_03-16-20)

<sup>6</sup> [https://content.govdelivery.com/attachments/USDHSCISINVITE/2020/03/30/file\\_attachments/1414523/COVID-19%20Biometrics%20Reuse%2003-30-2020.pdf](https://content.govdelivery.com/attachments/USDHSCISINVITE/2020/03/30/file_attachments/1414523/COVID-19%20Biometrics%20Reuse%2003-30-2020.pdf)

USCIS staff may continue to perform duties that do not involve contact with the public, such as processing centers. Currently, cases are still being processed, including DACA renewals. If you are awaiting your DACA renewal and will be experiencing a lapse in work authorization, we encourage you to reach out to our office, specifically Erika Blum at [erika.blum@mail.house.gov](mailto:erika.blum@mail.house.gov). Additionally, as always, with or without DACA you have rights.<sup>7</sup>

**If you have not yet renewed, we encourage you to renew your DACA as quickly as possible despite the USCIS offices being closed.**<sup>8</sup>

**Access to Health Care:** DACA recipients remain ineligible for Medicaid, CHIP, and for marketplace plans under the Affordable Care Act, but they are eligible for employment-based health insurance, and those who are attending a college or university that offers student health plans may be able to enroll in one of those. Lack of access to federal programs means that the primary option for DACA recipients outside of college and employer-based insurance is to purchase a private health care plan, though eliminating DACA could bring an end to this form of coverage,<sup>9</sup> which typically comes at higher cost<sup>10</sup> to the individual as there are no tax subsidies.<sup>11</sup>

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<sup>7</sup> <https://www.informedimmigrant.com/guides/know-your-rights/>

<sup>8</sup> <https://www.informedimmigrant.com/guides/daca-coronavirus/>

<sup>9</sup> <https://www.nbcnews.com/news/latino/daca-immigrants-health-insurance-worry-about-what-s-next-n802061>

<sup>10</sup> <http://www.latimes.com/business/la-fi-healthcare-watch-20140420-story.html>

<sup>11</sup> <https://www.healthaffairs.org/doi/10.1377/hblog20180209.367466/full/>